

From: [Phil Musolino](#)
To: kirbyj@who.eop.gov
Subject: 1998 U.S. Embassy Bombings
Date: Thursday, August 4, 2022 12:59:39 PM
Attachments: [22-08-04 PMM Ltr. to Kirby.pdf](#)

Dear Admiral John Kirby (Ret.):

Please see attached.

Regards,
Phil

Philip Musolino

Senior Partner
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MUSOLINO | DESSEL

August 4, 2022

Via Electronic and Standard Mail:

Admiral John Kirby (Ret.)
Coordinator for Strategic Communications
National Security Council
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: 1998 U.S. Embassy Bombings

Dear Admiral John Kirby (Ret.):

My office represents hundreds of Kenyan victims of the 1998 terrorist bombing by Al Qaeda of the American embassy in Nairobi. On May 20, 2022, we secured final judgments against Al Qaeda in the approximate amount of \$56 billion. We have proposed to Congress legislation that will make all Kenyan and Tanzanian victims of those attacks eligible to participate in the U.S. Victims Compensation Fund.

We viewed with some concern your exchange on August 2, 2022, with Mr. Simon Ateba of Today News Africa. While we appreciate your interest in emphasizing our success in locating and killing terrorist Ayman al-Zawahiri, your additional remarks have been interpreted to reflect a lack of American interest in the losses suffered by our Kenyan friends and allies. I would very much appreciate the opportunity to meet with your team so that we can dispel those reactions. I enclose for your consideration some background information that may help in that process.

As you may know, three days from now, while Secretary of State Blinken commences his African visits, the 24th annual commemoration of the bombing will take place in Nairobi at the August 7th Memorial Park. That ceremony will be video streamed live so that your team will have the opportunity to observe the enduring responses of the Kenyan people. I hope that representatives of the U.S. government will be in attendance.

Perhaps more importantly, one year from Sunday, the 25th annual commemoration will take place. Many Kenyans are of the view that the 25th commemoration will be a litmus test for American friendship and steadfastness in East Africa. I ask that the White House commit itself in the next several months to: (1) support of our legislation, which I emphasize is budget-neutral; and (2) the scheduling of attendance by high-level U.S. officials at the 25th commemoration next year.

Particularly, in view of the U.S. – Africa summit now scheduled for December 13th – 15th at the White House, I am certain that you appreciate that these actions will strengthen our bonds

with Kenya at a critical time and will advance the national security interests of the U.S. in East Africa and in Africa as a whole.

I look forward to discussing this matter further with your team.

Sincerely,

Philip M. Musolino

**KENYAN AND TANZANIAN ELIGIBILITY IN THE
U.S. VICTIM COMPENSATION FUND
FOR THE 1998 EMBASSY BOMBINGS IN EAST AFRICA**

Philip Musolino of Musolino & Dessel, PLLC; Joseph Szlavik of Scribe Strategies & Advisors, Inc.; Melvin Foote of the Constituency for Africa; and Dr. Ramona Tascoe are working to include in the U.S. Victims Compensation Fund thousands of Kenyans and dozens of Tanzanians who suffered losses as a result of the 1998 bombing of the U.S. Embassies in Nairobi, Kenya and in Dar Es Salaam, Tanzania.

In 1999, Musolino & Dessel filed suit on behalf of hundreds of Kenyans against Al Qaeda and others for the reprehensible attack in 1998 on the U.S. Embassy in Nairobi Kenya. In 2006, Judge Kollar-Kotelly granted our motion for entry of default against Al Qaeda. In 2011 Magistrate Judge Facciola held a bellwether evidentiary hearing. There, eight (8) victims – two (2) spouses of wrongful deaths and six (6) victims who sustained various physical and psychological injuries – provided uncontroverted testimony about the horrific losses they sustained.

On May 20, 2022, Musolino & Dessel obtained final judgments in U.S. District Court for the District of Columbia in favor of 351 of our Kenyan clients against Al Qaeda. Each judgment was in the amount of \$5 million in damages, plus prejudgment interest and \$150 million in punitive damages.

Other Kenyans and Tanzanians have similar claims filed over 20 years ago with, but unaddressed by, the U.S. Department of State. Now, only 14 months before our Ambassador to Kenya will attend the 25th commemoration of the attack, our Kenyan and Tanzanian friends, and allies – those who hold judgments and those who don't – and their families remain uncompensated for their losses.

We are proposing to Congress simple **budget-neutral** amendments through the Victims of Terrorism Rights Act. Its principal purpose is to make the Kenyan and Tanzanian victims of the 1998 attack eligible to participate in the U.S. Victims of Terrorism Compensation Fund. The proposed legislation is narrowly tailored, easily administered, and is well-suited to inclusion in the NDAA, the Department of State Authorization Act, or as part of a budget bill.

The proposed legislation is non-controversial and has earned the explicit support of the two leading candidates for the presidency of Kenya. As the Rt. Hon. Raila Odinga recently announced: "The proposed legislation underscores the friendship and mutual interests of Kenya and the United States. Mr. Odinga strongly urges the US Congress to adopt these amendments and looks forward to a successful legislative conclusion." Deputy President William Ruto supports the effort as a "...measure() ... for the long-suffering victims of the terror attacks in Nairobi in 1998."

We strongly believe that this measure will enhance throughout East Africa the US reputation for fairness and trustworthiness. At a time when other nations vigorously challenge our relationships with our friends and allies in Africa, Congress should take this opportunity to affirm our commitment to that critical region and its people.

DIVISION D: OTHER MATTERS

TITLE III — VICTIMS OF TERRORIST ATTACKS ON U.S. RIGHTS ACT

SEC. 4301. SHORT TITLE.

This title may be cited as the “Victims of Terrorist Attacks on U.S. Rights Act.”

SEC. 4302. FINDINGS; PURPOSE.

(a) Findings. — Congress finds the following:

- (1) On August 7, 1998, Al Qaeda terrorists attacked the United States Embassy in Nairobi, Kenya, and the United States Embassy in Dar es Salaam, Tanzania (hereafter referred to as the “1998 Embassy Bombings”).
- (2) The 1998 Embassy Bombings on the United States were direct attacks on the United States and were intended to cause and did cause loss of life and great injury and damage to thousands of Americans, Kenyans, and Tanzanians.
- (3) Al Qaeda and its affiliates and co-conspirators received financial and other support which facilitated the 1998 Embassy Bombings and continue to receive financial and other support, which endangers the United States and its allies.
- (4) In *Mwani et.al. v. Al Qaeda et.al.* Case No. 99-125, in the United States District Court for the District of Columbia (the “Federal Litigation”) the District Court correctly exercised jurisdiction over Al Qaeda and described the 1998 Embassy Bombings as “one of the most grotesque and depraved acts imaginable.” The District Court properly awarded individual damages against Al Qaeda in favor of 351 Kenyan plaintiffs of five million dollars in compensatory damages for non-economic injuries per plaintiff, plus prejudgment interest, plus \$150 million per eligible plaintiff as punitive damages (the “Damages Award”), and properly found that those damages, established during a bellwether evidentiary hearing, applied to all eligible Kenyan victims of the 1998 Embassy Bombings.

(b) Purpose.—The purpose of this Act, and the amendments made by this Act, is to strengthen the cooperation between the United States and Kenya and between the United States and Tanzania in the fight against terrorism by establishing the eligibility of the Kenyan and Tanzanian victims and their surviving spouses in the Victim Compensation Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act, codified at 34 U.S.C. § 20144 (2015), and by directing the distribution to Kenyans holding judgments against Al Qaeda as a result of the 1998 Embassy Bombings of funds of Al Qaeda held or frozen by OFAC, and to provide a recovery to the surviving spouses of Kenyans and Tanzanians killed in the 1998

Embassy Bombings, and to provide and define a right of action to Kenyans and the surviving spouses of Kenyans killed in the 1998 Embassy Bombings against financial institutions which provided support to Al Qaeda.

SEC. 4303. AMENDMENT OF THE U.S. VICTIMS OF STATE SPONSORED TERRORISM ACT.

(a)

- (1) Section 34 U.S.C. § 20144(b) (1)(A)(iii) of the victims of the August 7, 1998, bombings of the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, is amended by adding the “1998 Embassy Bombings” after “victims of” state sponsor of terrorism.
- (2) Section 34 U.S.C. § 20144(c)(2)(A)(i) is amended to add “and arising out of the 1998 Embassy Bombings” after “state sponsor of terrorism.”
- (3) Section 34 U.S.C. § 20144(c)(2) is amended by deleting “or” at the end of 34 U.S.C. § 20144(c)(2)(A)(ii).
- (4) Section 34 U.S.C. § 20144(c)(2) is amended by replacing the period at the end of 34 U.S.C. § 20144(c)(2)(C)(ii) with “or.”
- (5) Section 34 U.S.C. § 20144(c)(2) is amended by adding: “(D) a holder of a judgment, or the surviving spouse or next of kin of a holder of a judgment against Al Qaeda in the Federal Litigation.”
- (6) Section 34 U.S.C. § 20144(c)(2) is amended by adding: “(E)(i) a named plaintiff, or the surviving spouse or next of kin of a named plaintiff in the Federal Litigation, or (ii) a client of plaintiffs’ counsel of record in the Federal Litigation, pursuant to a written engagement or acknowledgment of engagement executed on or before December 31, 2011, and provided further that a person eligible under (c)(E)(ii), through counsel of record in the Federal Litigation, provides with the claim probative evidence in the form of declarations filed as Exhibit C1 in ECF 150 (the Litigation Declaration”) establishing that such person suffered material non-economic injuries as a result of the 1998 Embassy Bombings.
- (7) Section 34 U.S.C. § 20144(c)(2) is amended by adding: “(F) a citizen or resident of Kenya or Tanzania who was injured or who sustained a loss as a result of the 1998 Embassy Bombings and the personal representative or surviving spouse of a citizen or resident of Kenya or Tanzania who was injured or who sustained a loss as a result of the 1998 Embassy Bombings, provided that the citizen, resident, personal representative or

surviving spouse timely filed a claim on Form 95 with the United States Department of State.”

- (8) Section 34 U.S.C. § 20144(c) is amended by adding: “(G) a citizen or resident of Kenya or Tanzania who directly sustained material non-economic injuries as a result of the 1998 Embassy Bombings and the personal representative or surviving spouse of a citizen or resident of Kenya who directly sustained material non-economic injuries as a result of the 1998 Embassy Bombings, provided that the citizen, resident, personal representative or surviving spouse establishes by probative evidence material non-economic injuries caused directly by the 1998 Embassy Bombings, such evidence to include a Litigation Declaration and corroborative evidence.”

DRAFT LEGISLATION

(b) Section 34 U.S.C. § 20144 (j)(4) is amended by adding the following: “All judgments entered on May 20, 2022, ECF 164, in the Federal Litigation shall be considered final judgments for purposes of this Act.”

Section 34 U.S.C. § 20144 (j)(8) is amended by adding:

“Notwithstanding the preceding sentence, for the purposes of this Act, all persons who meet the requirements of 42 U.S.C. § 10609(c)(2)(D), (E), (F), or (G) are U.S. Persons.”

(c) adding Section 42 U.S.C. § 20144(k) of the U.S. Victims of State Sponsored Terrorism Act as follows:

- (1) All persons who meet the requirements of 42 U.S.C. § 10609(c)(2)(D) or (E) have a right of action for damages against any foreign terrorist organization or financial institution which provided material financial support to Al Qaeda prior to the 1998 Embassy Bombings.
- (2) Any right of action in paragraph (1) shall be brought in the United States District Court for the District of Columbia, and shall be filed no earlier than January 1, 2023, and no later than August 7, 2023.

(d) adding Section 34 U.S.C. § 20144(l) of the U.S. Victims of State Sponsored Terrorism Act as follows:

- (i) A claimant eligible under (c)(2)(D) or (E) shall be conclusively presumed and deemed to have sustained injury and damage as a result of the 1998 Embassy Bombings in the amount of the Damages Award; (ii) a claimant eligible under (c)(2)(E) or (c)(2)(F) shall be conclusively presumed to have sustained injury and damage as a result of the 1998 Embassy Bombings in the amount of the Damages Award provided that a claimant eligible under (c)(2)(E) or (c)(2)(F) provides probative evidence of material non-economic injury from the 1998 Embassy Bombings in the form of a Litigation Declaration; (iii) a claimant eligible under (c)(G) shall be presumed to have sustained material non-economic injury and damage as a result of the 1998 Embassy Bombings in the amount of the Damages Award provided that a claimant eligible under (c)(G) provides probative evidence of material non-economic injury in the form of a Litigation Declaration and corroboration; and (iv) subject to (i), (ii) and (iii), an eligible claimant who does not meet the requirements of (i), (ii) or (iii), or who elects not to proceed exclusively under (i), (ii) or (iii), is entitled to compensation if the Administrator of the Fund or Special Master determines that the eligible claimant suffered material non-economic injury or damage as a result of the 1998 Embassy Bombings, or suffered economic injury or damage as a result of the 1998 Embassy Bombings and if the Administrator of the Fund or Special Master is further able to make a calculation of

damages pursuant to regulations or guidelines similar to the Gulf Coast Claims Facility Protocol for Interim and Final Claims, dated November 22, 2010.

“Any award or distribution from the Fund arising out of a claim based on the 1998 Embassy Bombings shall (i) be deemed a recovery pursuant to any contingency fee agreement between the claimant and claimant’s counsel, and (ii) the lesser of the contingency fee percentage in the contingency fee agreement or 25% of the award or distribution shall be deemed payable to counsel pursuant to the contingency fee agreement or, in the event that claimant had not entered into a written fee agreement for the claim, recovery, award or distribution prior to December 31, 2011, 25% of the award or distribution from the Fund to such claimant shall be due to and payable in equal pro rata amounts to claimants eligible under (c)(2)(D) or (c)(2)(E).

(e) DEFINITIONS. — Section 34 U.S.C. § 20144 is amended by adding:

“(m) Foreign terrorist organization” means foreign organizations that are designated as such by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (INA), as amended.

“Financial institution” means any domestic or foreign public or private bank or its subsidiary or parent.

SECTION 4304. AMENDMENT OF 22 U.S. Code § 8772

(a) add to the Title “and Al Qaeda”

SECTION 4304. AMENDMENT OF 22 U.S. Code § 8772

(a) add to the Title “and Al Qaeda”

(b) add to Section 8772(a)(1):

“(D) a blocked asset of Al Qaeda (whether or not subsequently unblocked), or an asset that would be blocked if the asset were located in the United States.”

(c) add to Section 8772(a)(2):

All blocked assets of Al Qaeda shall be turned over, released, and paid to the counsel of record for the named plaintiffs in the Federal Litigation for distribution to and as part of the recovery of eligible claimants under (c)(2)(D) and (c)(2)(E), to the extent that unsatisfied judgments against Al Qaeda entered, in that case, exceed the amount of the blocked assets to be turned over, released, and paid. Prior to an award turning over, releasing, or paying blocked assets of Al Qaeda, the district judge or magistrate judge

assigned to the Federal Litigation shall determine the extent that which unsatisfied judgments against Al Qaeda entered, in that case, exceed the amount of the blocked assets to be turned over, released and paid, and such turnover, release, and payment shall not exceed the amount by which the unsatisfied judgments against Al Qaeda exceed the amount of the blocked assets to be turned over, released and paid.

LAWS. — The laws described in this subparagraph are:

- (i) The US Victims of State Sponsored Terrorism Act, 34 U.S.C. § 20144 *et. seq.*
- (ii) 22 U.S. Code § 8772

TECHNICAL AND CONFORMING AMENDMENTS:

The title of the law as codified shall be amended to read as follows: “ Victims of US Embassy Bombings and of State Sponsored Terrorism.”

DRAFT LEGISLATION

RAILA ODINGA PRESIDENTIAL SECRETARIAT



1998 TERRORIST ATTACK COMPENSATION

On April 25 this year, the Rt. Hon. Raila Odinga, the Azimio La Umoja One Kenya presidential candidate, met with representatives of the Kenyan victims of the 1998 Nairobi Embassy Bombing in Washington D.C. during his recent visit to the United States. The representatives of the victims were led by American attorney Philip M. Musolino. Mr. Odinga has long honored the Kenyan victims of the bombing and now renews his support for their ongoing efforts for compensation and recognition.

Mr. Odinga is encouraged that the U.S Congress will have the opportunity in the next several weeks and months to consider legislation which will make the Kenyan victims eligible to participate in a United States Congressional fund providing compensation to the victims of terrorist attacks on the United States.

The existing legislation – The US Victims of State Sponsored Terrorism Act – does not currently establish the eligibility of the Kenyan victims and their surviving spouses for any recognition and compensation. The new proposals would amend the law to include Kenyan victims in such recognition and compensation.

The proposed legislation underscores the friendship and mutual interests of Kenya and the United States. Mr. Odinga strongly urges the US Congress to adopt these amendments, and looks forward to a successful legislative conclusion.

Professor Makau Mutua
Spokesperson Raila Odinga Presidential Campaign Secretariat
May 19, 2022

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JUSTICE DELAYED

Kenya: Raila, Ruto seek US compensation for 1998 embassy bombing victims

By Julian Pecquet

Posted on Monday, 30 May 2022 10:15



A man pins a roses next to his relative's name at the memorial site for victims of the 1998 bombing of the U.S Embassy in Nairobi August 7, 2002. REUTERS/Antony Njuguna

Kenya's two leading presidential candidates want the US to compensate victims of the 1998 embassy bombings, inserting a raw issue into the bilateral relationship regardless of who wins the August election.

The renewed focus on the attack and its aftermath comes as lawyers for the victims have begun lobbying US lawmakers to amend a congressionally established terrorism compensation fund to make Kenyan victims eligible. If the proposed changes go through, somewhere between 1,000 and 3,000 Kenyan victims could be eligible for \$5m each, a total payout of \$5bn to \$15bn, according to senior partner Philip Musolino of Washington law firm Musolino & Dessel.

Former Prime Minister Raila Odinga met with Musolino on 25 April during his trip to Washington and endorsed the effort.

“Mr. [Raila] Odinga is encouraged that the US Congress will have the opportunity in the next several weeks and months to consider legislation, which will make the Kenyan victims eligible to participate in a United States Congressional fund providing compensation to the victims of terrorist attacks on the United States,” Raila’s campaign spokesman Makau Mutua said in a **19 May statement [https://efile.fara.gov/docs/7101-Informational-Materials-20220523-1.pdf]** .

“The proposed legislation underscores the friendship and mutual interests of Kenya and the United States,” Mutua said. “Mr. [Raila] Odinga strongly urges the US Congress to adopt these amendments, and looks forward to a successful legislative conclusion.”

Deputy President William Ruto also expressed his support for the effort.

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 “Dr. Ruto believes that every violation of a right – especially the right to life, limb and livelihood – must be remedied,” **Korir Sing'oei**, the legal adviser to Ruto’s office, tells *The Africa Report*. “As such, he fully supports measures towards reparation for the long-suffering victims of the terror attacks in Nairobi in 1998.”

Long road to justice

The twin Al Qaeda bombings on 7 August 1998 killed 213 people in Nairobi and another 11 in the Tanzanian capital of Dar es Salaam, while wounding thousands more.

Soon after, USAID **allocated** [https://1997-2001.state.gov/regions/africa/fs_anniv_usaid.html] \$38m for the survivors and their families, including \$28m for the reconstruction of damaged business and \$10m for medical and social services. However, in a 1999 legal opinion, Kenyan attorney Lee Muthoga told Musolino & Dessel that the agreement between USAID and the government of Kenya “is not and does not purport to be intended for the benefit of the injured victims of the bomb blast”.

To ensure their right to compensation, Musolino’s firm has been representing hundreds of the Kenyan victims for almost a quarter century as their case against al Qaeda slowly makes its way through the courts. Just this week, the US District Court for Washington, DC issued a **final judgement** [[/media/2022/05/Kenya_Judgment.pdf](https://media/2022/05/Kenya_Judgment.pdf)] (which can still be appealed) awarding more than \$160m each to 351 separate victims.

Despite judgments in their favour, the Kenyan victims have yet to collect the money. To remedy the situation, Musolino & Dessel **registered to lobby** [<https://efile.fara.gov/docs/7101-Exhibit-AB-20220321-1.pdf>] for congressional action in late March.

The firm is **floating a legislative change** [<https://musolinoanddessel.com/proposed-legislation>] to the eligibility requirements for the United States Victims of State Sponsored Terrorism Fund, which Congress created in 2016. The fund is regularly replenished with money from fines against sanctions violators and sales of forfeited properties.

To date, about \$3bn in payments to terrorism victims have been authorised, **according to the Congressional Research Service**


[<https://crsreports.congress.gov/product/pdf/IF/IF10341>] . The fund has around \$27bn in outstanding claims as judgments outpace the fund's replenishment.

The fund is currently only for victims of state sponsors of terrorism – namely North Korea, Cuba, Syria and Iran – but Musolino wants to add Al Qaeda to the list of perpetrators. The fund only covers compensatory damages, so punitive damages claims awarded to Musolino's clients are not subject to the fund. The fund also caps recovery per claimant at \$20m per claimant.

Musolino tells *The Africa Report* that his goal is to credit \$5m for each victim, rather than the full \$160m, so as to be consistent with current caps and exclusions in the law, which is limited to compensatory damages, and to avoid short-changing US terrorism victims who are also waiting for pay-outs.

“

Our ambassador shouldn't be going to that commemoration after 25 years without being able to present to the victims and their families and supporters some positive success



He also points out that changes to the law would open the fund up to Kenyan victims beyond his own clients. “If we went in there and we wanted \$160m for 3,000 people, the claimants who are already in the fund would look at it and maybe find it a difficult pill to swallow,” he says.

Registered to lobby alongside Musolino are Joseph Szlavik, a partner with the lobbying firm Scribe Strategies & Advisors, and Melvin Foote, the founder and president of the Washington network Constituency for Africa, who introduced Raila to Musolino during the Kenyan politician’s US visit last month.

“We’ve been meeting on the Hill for the past few weeks with various staffers to try and move the legislation along,” Musolino tells *The Africa Report*.

Kenyan boost

Musolino says his firm has yet to nail down a congressional champion, but that Raila’s public endorsement is helping make the case with lawmakers on the foreign affairs committees in the House and Senate. He says the State Department has to date declined to opine on a pending legislative issue.

“We are very grateful for the leadership and compassion shown by the Rt. Hon. Raila Odinga in offering support for our proposed legislation,” the firm said in a 19 May message to stakeholders. “We have meetings scheduled on Capitol Hill over the next several weeks and this show of support will advance our legislative efforts.”

He added that the firm has also been reaching out to President Uhuru Kenyatta’s government.

“We have written to, I want to say, the chief of staff of the current government in Kenya fairly recently,” Musolino says. “And we would obviously welcome an expression of support from the current – even if it’s outgoing – government of Kenya, and in the meantime, we’re campaigning, if you will, to have this issue on the agenda of the presidential debates (in Kenya).”

The US lawyer adds that he's hopeful to have the legislative fix done in time for the 25th anniversary of the embassy bombings next summer, saying it would be an "enormous win" for US diplomacy particularly in the context of increased competition with China.

"Our view [...] is that our ambassador shouldn't be going to that commemoration after 25 years without being able to present to the victims and their families and supporters some positive success in terms of finally compensating them," he says.

Getting the Kenyan victims the help they need and deserve, he said, would be "an enormous benefit to our relationship with Kenya and East Africa and I think it would reverberate throughout Africa".

AD 019

H

Browning, Steven A

From: Haralson, John T
 Sent: Friday, August 07, 1998 2:18 PM
 To: Browning, Steven A; Gilmer, Paul G; Whiteside, Ruth A
 Subject: Bombings in Nairobi and Dar Es Salaam

In anticipation of questions related to Crisis Management Training and these two posts, the following Q and A are provided:

Q. When was the last CME conducted at the two posts? A. Nairobi, 9/93 (last month under the old CME program), also in 9/89 and 6/85. Dar Es Salaam, 9/90 and 4/87.

Q. Why haven't you provided training since 1993 in Nairobi and 1990 in Dar Es Salaam. A. Neither post was considered to be enough of a threatened post to warrant a CME. Dar Es Salaam was rated low for terrorist threat, Nairobi was rated as medium threat.

Q. Have you conducted training at other embassies in the region recently.

A. Yes. In Kampala and Lagos in Oct 1997.

Q. Did they receive any training regarding bombs. A. Yes. Both exercises had a bomb threat as part of the exercise.

Q. Will you be providing training in response to these terrorist acts. A. We are scheduled to conduct exercise in the area in Oct (Sanna, Cairo, and Tel Aviv in Oct).

Q. How about in Africa? A. We are planning exercises in Africa in early 1999.

Q. Do embassy employees receive training on how to deal with terrorist actions? A. Yes. We have provided emergency planning and crisis management training to over 6,000 employees during the past three years.

OTHER INFO: Last emergency action plan for Nairobi was dated Jan 1998, next update due in 2001. EAP for Dar Es Salaam dated July 1993, update was due in Aug 1996!!! DS sent a cable asking for update in 7/98.

Should FSI refocus the CME program towards Africa or NEA? Within the next couple of days, I was planning on sending a cable to Kiev, Ankara, and Istanbul offering them a CME in early Nov. This could be changed to AF or NEA if directed.

How long does it take to write/get ready to conduct a CME? Planning factor of about one week for each post (need to factor in VISAs). In an emergency and given travel funds, I could prepare a CME that emphasized Bombing and evacuation very quickly. A day or two. Problem. We still have to teach classes and participate in military exercises. BUT: If the Department wanted CMEs in the area, we could do it quite quickly.

Last point. Would we have conducted a CME in Nairobi and Dar Es Salaam since 1993/1990 if the Department had not reduced the CME program in 1993? Almost certainly (maybe twice). With these two posts, the Department gambled and lost; at least with respect to training of the EAC and validation of the EAP. Would a CME have made any difference? Maybe.

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Current Handling: n/a
Document Number: 1998NAIROB13840

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8. [REDACTED] IT WOULD THUS BE IRRESPONSIBLE TO PULL OUT, NOW OR IN A FEW WEEKS, THE MARINE FAST TEAM WITHOUT PROVIDING EQUIVALENT ADDITIONAL SECURITY OF THE SAME CALIBER. IF MONEY IS AN ISSUE, THE DEBATE ON THIS SHOULD NOT BE CONDUCTED QUIETLY AMONG BUREAUCRATS IN WASHINGTON. LET'S BRING THE MATTER TO CONGRESS'S ATTENTION, AS PART OF THE DEBATE ON THE SUPPLEMENTAL BILL.

9. [REDACTED] IF THE ISSUE IS SOME BUREAUCRATS SECOND-GUESSING US, FROM THE SECURITY OF WASHINGTON, ABOUT THE NATURE OF THE THREAT, LET ME BE BLUNT. LAST YEAR, WHEN THIS MISSION RAISED THE VULNERABILITY OF THE PREVIOUS EMBASSY BUILDING, WE RECEIVED INFORMAL FEEDBACK THAT "SOME" IN WASHINGTON THOUGHT WE WERE "OVERREACTING." THE DEATH OF 44 AMERICAN EMPLOYEES AND SOME 200 KENYANS, AND THE WOUNDING OF 5000 PEOPLE IN KENYA ALONE, SHOULD HAVE MADE CLEAR TO ALL THE THREAT IS ALL TOO REAL. IF "SOME" HAVE NOT YET LEARNED THE LESSON, I WOULD BE HAPPY TO GIVE THEM A TOUR OF WHAT IS LEFT OF OUR OLD CHANCERY BUILDING.

10. [REDACTED] THIS MISSION, AND I PERSONALLY, WILL NOT COMPROMISE ON THE SECURITY OF OUR PERSONNEL. WE CANNOT ACCEPT ANY DRAWDOWN OF OUR CURRENT SECURITY POSTURE UNTIL THE SITUATION, AS WE SEE IT, CHANGES RADICALLY. THE MARINES SHOULD STAY UNTIL WE OCCUPY THE NEW OFFICE BUILDING.
BUSHNELL

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